

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

D-1 ANTHONY BYNUM
D-2 PRICE MONTGOMERY
D-3 SHAWN WILLIAMS
D-4 CRAIG CLAYTON

Case:2:13-mj-30048
Judge: Unassigned,
Filed: 01-24-2013 At 09:33 AM
Sealed Matter (jj)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2012 through January 23, 2013 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC 846	Conspiracy to Distribute Cocaine
18 USC 666	Bribery
18 USC 924(c)	Carrying a Firearm in Furtherance of a Drug Trafficking Crime

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF FBI TASK FORCE OFFICER TWANA R. POWELL

☒ Continued on the attached sheet.

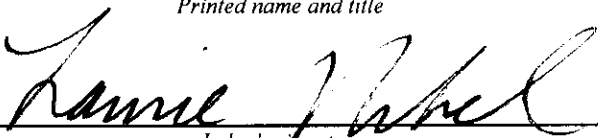

Complainant's signature

FBI Task Force Officer Twana R. Powell
Printed name and title

Sworn to before me and signed in my presence.

Date: January 24, 2013

City and state: Detroit, Michigan


Judge's signature

Hon. Laurie Michelson, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

Affiant, Twana R. Powell, being duly sworn, states the following:

1. This affidavit is submitted in support of a Criminal Complaint as more fully set forth below.

Background of the Affiant

2. Affiant states that she is a nineteen-year veteran of the Michigan State Police. Currently, Affiant is assigned as a Detective Sergeant at the Second District Headquarters, Special Investigation Section, assigned as a Task Force Officer with the Federal Bureau of Investigation Detroit Area Public Corruption Task Force. Affiant further states that she is responsible for investigating all manner of crime, including, but not limited to, public corruption, major case investigations, fatal and non-fatal police shootings, and homicide investigations. Affiant has received specialized training in violent crimes, homicides, sexual assaults, carjackings, narcotics trafficking, as well as fraud and embezzlement. Affiant has gained experience over the past nineteen years by being assigned to a federal carjacking task force unit, a federal violent crimes task force unit, a federal crimes against children task force unit, and as a Detective Sergeant with the Michigan State Police responsible for investigating cases, including public corruption. Affiant has conducted numerous criminal investigations of all magnitude.

Overview of the Investigation

3. Since August 2012, the Federal Bureau of Investigation, in conjunction with the Detroit Area Public Corruption Task Force, has been investigating corruption and drug trafficking activities by four officers of the Highland Park Police Department. This investigation has determined that two of the Highland Park police officers physically assaulted an individual

whom the officers had just arrested for carrying a firearm. In addition, at least one of the officers stole jewelry and \$1,700 in cash from the arrested individual. The officers later indicated to the individual that they would take money in exchange for helping to get his criminal case dismissed. The individual eventually became a confidential source for the FBI. Subsequently, during an FBI-directed, undercover operation, these two Highland Park police officers accepted \$10,000 in cash bribes from the FBI confidential source in exchange for agreeing not to appear as witnesses at the jury trial of the source, whom they had arrested. In November 2012, when the officers failed to appear as commanded by subpoena in the Wayne County Circuit Court, the charges against the confidential source were dismissed by the court. Later in the investigation, these two Highland Park police officers agreed to transport and protect what they believed to be a shipment of two kilograms of cocaine. In December 2012, the two officers each accepted \$1,500 in cash after they transported two sham kilograms of cocaine for the confidential source, whom they believed to be a drug trafficker. The two Highland Park police officers then recruited two additional Highland Park police officers who agreed to assist in the protection and delivery of a second shipment of four kilograms of cocaine. On 1/23/2013, the four Highland Park police officers protected and transported what they believed to be additional shipment of four kilograms of cocaine. Each of the four police officers then accepted between \$1,000 and \$1,500 in cash for their work in transporting the cocaine.

The Investigation Begins

4. Affiant states that on 08/17/2012, an FBI, confidential source (hereinafter referred to as "CS1"), provided information regarding the arrest of an individual which had occurred in the City of Highland Park, Michigan, in the area of Woodward and Glendale, by the Highland Park Police Department on 8/14/2012. CS1 reported to FBI agents that the individual was arrested for

carrying a concealed firearm, was beaten by officers, and his money and jewelry were taken and never placed in his property or returned to him.

5. Based on the information from CS1, FBI agents interviewed this individual on 8/21/2012 at the Wayne County Jail, where the individual was being held since his August 14 arrest. The individual eventually became a confidential source for the FBI, and he will be referred to hereinafter as "CS2." CS2 told the FBI agents that he had been arrested for a weapons charge in the City of Highland Park, and was beaten by Highland Park officers during the arrest. CS2 admitted that during the incident he made a motion to run, but that the officers immediately threw him to the ground and began to beat him. While CS2 was on the ground, the officers took \$1,700 in cash that he was carrying, as well as a gold ring worth \$1,300. CS2 stated that the \$1,700 cash in his pocket was money that he made "hustling," a slang term that commonly refers to drug dealing. Neither the money nor the ring was placed on CS2's inventory following his arrest by the Highland Park police. During the course of the investigation, Affiant and FBI agents working on the investigation have found CS2 to be truthful and reliable, and that CS2's statements have been corroborated by video and audio taped evidence, as well as evidence from FBI surveillance agents and other sources of information. CS2 has prior felony convictions in 1994 for carrying a concealed weapon and in 1995 for larceny from a person.

6. Affiant states Highland Park Police Department Chief Kevin Coney contacted her directly and requested assistance in addressing corruption and other crimes by members of his department. On 8/24/2012, Coney came to the FBI Detroit Field Office and explained that his department is small, and does not have the resources to effectively address the type of allegations and complaints he has received against some of his officers. Chief Coney advised that he has received complaints alleging that some of his officers are stealing money and/or property during

traffic stop, and are assaulting citizens. Coney identified two of the officers involved in this criminal activity as **ANTHONY BYNUM** and **PRICE MONTGOMERY**. Affiant states Chief Coney further stated that he received an Official Written Citizen's Complaint from CS2 alleging that Officer **BYNUM** physically assaulted him (CS2) after arresting him for carrying a concealed weapon. The complaint further alleges that during the assault \$1,700 cash and a ring were taken from him and never returned. Chief Coney advised that neither the ring nor the cash was ever located or placed in CS2's property. Chief Coney stated that based on the physical descriptions of the officers given in CS2's written complaint, he (Coney) identified the officers as Officers **BYNUM** and **MONTGOMERY**. Chief Coney stated that he has received multiple complaints, verbal and written, alleging that Officer **BYNUM** has been stealing money and other property from citizens and assaulting citizens in conjunction with his law enforcement duties.

7. Affiant states that Chief Coney also reported that Officers **BYNUM** and **MONTGOMERY** are very close friends and further stated that they live together in the Highland Manor Apartments located on Sears Street in the City of Highland Park. Chief Coney stated that he would assist the FBI in any manner necessary to bring about a successful investigation of **BYNUM**, **MONTGOMERY**, and any other corrupt officers in his department. Chief Coney also reported that he had received a verbal complaint in reference to one of his Auxiliary (Reserve) Officers as well. Chief Coney stated that he received a verbal allegation in approximately June 2012, where it was alleged that Officer **CRAIG DUANE-EMANUEL CLAYTON** took \$100 out of a subject's pocket.

8. Affiant states that a database search revealed that Officer **BYNUM** has a License to Carry A Concealed Pistol (CCW) Permit #2566631E. Affiant states that LEIN also reveals that Officer **BYNUM** has two Glock handguns registered to him. **BYNUM** has a .40 caliber, Model

22, 15 shot pistol, serial number GUK284, and a .45 caliber, Model 38, 11 shot pistol, serial number HCD953.

9. A database check also shows that the following nine guns registered to Officer **MONTGOMERY**: (1) .40 Caliber Glock, Model 27, 9 shot pistol, serial number FHN567; (2) .45 Caliber Glock, Model 30, 10 shot pistol, serial number HGM446; (3) .40 Caliber Glock, Model 22, 15 shot pistol, serial number KZB348; (4) .9 Caliber Sig Sauer, Model SP2022, 10 shot pistol, serial number SP0199768; (5) .40 Caliber Glock, Model 40, 15 shot pistol, serial number NVX355; (6) .40 Caliber Glock, Model 22, 15 shot pistol, serial number NHY142; (7) .40 Caliber Smith & Wesson, Model M&P40, 10 shot, serial number DVR1096; (8) .40 Caliber Glock, Model 22, 15 shot pistol, serial number NTM917; (9) .40 Caliber Glock, Model G27, 9 shot pistol, serial number RWN986.

10. Law enforcement records establish that **MONTGOMERY** was hired by the Highland Park Police Department on 11/7/2011 as a Certified Police Officer. Law enforcement records reveal that on 12/19/2011 **BYNUM** was hired by the Highland Park Police Department as a Certified Police Officer. Law enforcement records indicate that **BYNUM** is also employed as a Detroit Public Schools Police Officer.

11. As part of the investigation, Affiant obtained all of the paperwork related to the 8/14/12 arrest of CS2 and other written complaints related to Officers **BYNUM** and **MONTGOMERY** from Chief Coney. The Highland Park police report associated with the arrest of CS2 indicate that Officers **BYNUM** and **MONTGOMERY** were the responding, uniformed officers to a report of an individual (CS2) in possession of a handgun at a gas station. The report indicates that CS2 tried to flee and that CS2 had to be treated at a local hospital following a struggle with the officers.

12. Affiant states that she obtained a copy of the Felony Complaint for CS2's warrant, and on 08/16/2012 Assistant Wayne County Prosecutor Luke Skywalker authorized a 4 Count Felony Warrant for the following charges against CS2 resulting from his 08/14/2012 arrest in Highland Park: Count 1: Felon in Possession of Firearm MCL 750.224f; 5 year felony. Count 2: Carrying Concealed Weapon MCL 750.227; 5 year felony. Count 3: Felony Firearm MCL 750.227b; 2 year felony with Second Offense Notice attached. Count 4: Assaulting/Resisting & Obstructing a Police Officer Causing Injury; 4 year felony with a Habitual Offender-Fourth Offense Notice attached, Wayne County Prosecutor Case Number 12717373-01.

13. Affiant states that on 08/16/2012, CS2 was arraigned and given a \$35,000 cash bond. CS2 was then transported to the Wayne County Jail, in downtown Detroit where he was held pending his ability to post bond. CS2's case was bound over to the 3d Circuit Court in the City of Detroit. A jury trial was set for 11/7/2012, in front of the Honorable James Callahan.

14. Affiant states that she obtained a copy of a written complaint filed by CS2 which reports the following. CS2 states he was pulled over on Glendale and Woodward, a .45 caliber handgun was taken from him, he hesitated to run, and was slammed to the ground and struck several times on the side of his head. CS2 states an officer injured his hands from punching him in his head while he was on the ground. Based on my knowledge of the investigation, Officer **BYNUM** was the officer who struck CS2 in the head while he was on the ground.

15. Affiant states she obtained a copy of a written Citizen Complaint against Officers **BYNUM** and **MONTGOMERY** from Victim No. 1, dated 7/31/2012. The incident was reported to have occurred on 7/30/2012. Victim No. 1 alleges that he was not only beaten by officers but, "he was also struck with the butt of a gun as well." Attached to the complaint is a written statement by another witness describing how Victim No. 1 was hit in the back of the head

and in the back by Officers **BYNUM** and **MONTGOMERY** as they yelled profanities. Two additional witness statements indicate that Victim No. 1 was hit in the head and back by Officers **BYNUM** and **MONTGOMERY**, and was struck with one of the officers' weapons.

16. Affiant states she obtained a written Citizen's Complaint completed by Victim No. 2 who reported that on 6/4/2012, Officer **BYNUM** smacked him (Victim No. 2) two times in the face while he was in handcuffs during an arrest situation.

17. Affiant states that she obtained a copy of a written Citizen's Complaint completed by Victim No. 3 who reported that on 5/04/2012, at a gas station located on Woodward Ave., he encountered Officers **BYNUM** and **MONTGOMERY**. Victim No. 3 claims that Officers **BYNUM** and **MONTGOMERY** stole \$13 in cash and his Dolce & Gabanna Cologne from his car following an arrest.

18. Affiant states that CS2 reported that while he was in the hospital awaiting medical attention on 8/14/2012 following his arrest after being beaten by Officers **BYNUM** and **MONTGOMERY**, CS2 talked to **MONTGOMERY**. CS2 told **MONTGOMERY** that he could throw him and **BYNUM** a few dollars if they would help him (CS2) out with the criminal charges against him. At that time, Officer **MONTGOMERY** asked for CS2's telephone number, which CS2 gave to him. At that time, CS2 was not assisting law enforcement authorities.

19. CS2 reported that he next saw Officer **MONTGOMERY** after CS2's bond was posted and he was released from the Wayne County Jail, on or about 9/30/2012. CS2 stated that he was driving on Woodward Avenue in the City of Highland Park when he encountered and met with Officer **MONTGOMERY** parked on Woodward in a police cruiser on duty. During the meeting, CS2 handed his cellular telephone to **MONTGOMERY**, and **MONTGOMERY**

placed the letters “PM” in the telephone contacts, along with his (**MONTGOMERY**) telephone number, 313-685-6046. CS2 assumed that “PM” stood for police man. **MONTGOMERY** also told CS2 to call him “Big Dog.” **MONTGOMERY** then told CS2 that for \$10,000, he and **BYNUM** would not appear and testify in court against him on the firearms charges then pending against CS2. **MONTGOMERY** also told CS2 that he and **BYNUM** needed to be paid cash. Shortly after this meeting, CS2 reported receiving several text messages from **MONTGOMERY** inquiring about the \$10,000 payment.

20. Affiant states that CS2 and his attorney in the Wayne County case then made contact with the Wayne County Prosecutor’s Office and reported Officer **MONTGOMERY**’s bribery invitation to an Assistant Prosecuting Attorney (“APA”). At which time, CS2 showed the APA the text messages that he had received from Officer **MONTGOMERY**. The Michigan Department of State Police Technical Services Unit then conducted a forensic examination of CS2’s cellular telephone that had been contacted by **MONTGOMERY**. The Michigan State Police examination discovered text messages from **MONTGOMERY** to CS2. In these messages, **MONTGOMERY** indicated to CS2 that “10 is gud,” meaning that \$10,000 in exchange for not showing up as witnesses at CS2’s trial was good. **MONTGOMERY** also indicated that it would be hard for the officers to retrieve CS2’s gun that was seized and placed into evidence, saying that “as far as the Thumper that’s kind hard.” Based on my training and experience, Affiant knows that “thumper” is a slang term for a firearm. In other messages, **MONTGOMERY** indicated that his partner, **BYNUM**, would agree to the plan--“Hit Me up bro wanna make that happen me and my partner is squared away. Waitin on u.” Based on my training, experience, and knowledge of this investigation, Affiant’s review of the text messages

from **MONTGOMERY** indicate that he was willing to accept a bribe payment from CS2 in return for not appearing at trial.

21. On 10/03/2012, under FBI direction, CS2 placed a telephone call to Officer **MONTGOMERY**. The call was recorded. During the call, CS2 asked **MONTGOMERY** what he (CS2) was going to get from **MONTGOMERY** for his (CS2's) money, using the term "bread." CS2 also indicated that he needed to hear whether **BYNUM** was "good" with the plan before they could go ahead. Then, CS2 would determine if they were going to need to do something with his gun (the "heat") that the officers had seized as evidence, or if they would just not appear at trial (do a "no show"). **MONTGOMERY** indicated "right," and he asked if CS2 could meet with "us" tonight. CS2 responded that he needed to shuffle some money in order to pay them, but that he would love to be able to get rid of the gun. CS2 also indicated that he could stretch to get the \$20,000 to pay to get rid of the gun. **MONTGOMERY** stated okay, and that he would call CS2 back. CS2 stated to **MONTGOMERY** that if he had to settle for them not appearing in court (a "no show"), then that is what he would have to do. CS2 indicated that it might not be enough for the officers to fail to appear in court because the case could always be brought back up. CS2 also told **MONTGOMERY** that "ten," meaning \$10,000, sounds good to him. By paying the officers "twenty" and getting rid of the evidence, CS2 would know that the case will not come up again. CS2 also stated that by paying **MONTGOMERY** and **BYNUM**, that he would get a guaranteed win. CS2 told **MONTGOMERY** that things would have to happen before his (CS2's) court date. CS2 indicated that he would give **MONTGOMERY** a small package soon, meaning a payment of money. **MONTGOMERY** told CS2 that he understood.

Officers MONTGOMERY and BYNUM Accept A \$10,000 Bribe

22. On 10/10/2012, under FBI supervision, CS2 conducted a consensually recorded telephone call with **MONTGOMERY**. **MONTGOMERY** and CS2 agreed to meet so that CS2 could make a bribe payment to **MONTGOMERY**. CS2 and **MONTGOMERY** agreed to meet in the parking lot of a McDonald's in Highland Park, Michigan. The bribe payment by CS2 to **MONTGOMERY** and **BYNUM** was consensually recorded and was under surveillance by FBI agents.

23. On 10/10/2012, at approximately 5:00 p.m., CS2 appeared at the agreed McDonald's and got into **MONTGOMERY**'s private vehicle. The meeting was audio recorded, and FBI surveillance agents took photographs of the meeting. FBI agents conducting surveillance of the meeting observed a Detroit Public Schools police cruiser parked near the McDonald's meet location. Officer **BYNUM** also serves as a member of the Detroit Public Schools police force. During the meeting between CS2 and **MONTGOMERY**, **MONTGOMERY** placed a telephone call to **BYNUM**, and **MONTGOMERY** put the call on his speaker phone. CS2, **MONTGOMERY**, and **BYNUM** then proceeded to talk about CS2's pending criminal case. Officers **MONTGOMERY** and **BYNUM** assured CS2 that they were not "playing" him. When CS2 advised the officers that his trial date was not until November 2012, and he asked what he would get in return for his money, Officer **MONTGOMERY** responded that they were not going to "bullshit" him. CS2 then proceeded to pay Officer **MONTGOMERY** \$4,500 in cash. FBI agents photographed **MONTGOMERY** at points during the meeting. CS2 told Officer **MONTGOMERY** that he had a similar payment for Officer **BYNUM**. **MONTGOMERY** told CS2 that he (**MONTGOMERY**) would give some of the cash (the \$4,500) to **BYNUM**. CS2 then exited **MONTGOMERY**'s vehicle, and he left the area. FBI agents then observed Officer

MONTGOMERY meet with Officer **BYNUM** who was wearing a police uniform and sitting in the marked Detroit Public School police car. **BYNUM** pulled the Detroit Public Schools unit pulled alongside Officer **MONTGOMERY**'s vehicle. FBI agents observed and photographed **BYNUM** leaning out of the open driver's side door and reaching into the open window of Officer **MONTGOMERY**'s vehicle. Based on my knowledge of the investigation and the observations of the agents on the scene, Affiant states that it is likely that **MONTGOMERY** passed some cash to **BYNUM**.

24. On 10/16/2012, under FBI supervision and surveillance, CS2 met with Officers **MONTGOMERY** and **BYNUM**. The purpose of the meeting was for CS2 to pay the remaining \$5,500 in bribe money owed to the two officers in return for their agreement not to appear at CS2's criminal trial. At approximately 2:00 p.m., on 10/16/2012, Officers **MONTGOMERY** and **BYNUM** appeared for the meeting at a parking lot in Highland Park located off of Woodward Avenue. **MONTGOMERY** and **BYNUM** got into CS2's vehicle. The meeting was audio and video recorded. During the meeting, CS2 gave \$500 in cash to Officer **MONTGOMERY**. CS2 also gave \$5,000 in cash to Officer **BYNUM**. On videotape, CS2 can be seen counting out and handing the cash to **BYNUM** and **MONTGOMERY**. Based on my knowledge of the investigation, **BYNUM** and **MONTGOMERY** believed that CS2 was a drug trafficker. During the 10/16/2012 meeting, **BYNUM** proposed splitting a future drug seizure made by **BYNUM** and **MONTGOMERY** as police officers with CS2. **BYNUM** stated that they would arrest a drug dealer, take all of his drugs, put half of the drugs in as evidence for the drug arrest, and then give the other half of the drug seizure to CS2 to sell and split the proceeds with the officers. CS2 said he would think about it.

Officers MONTGOMERY and BYNUM Fail to Appear As Witnesses At Trial

25. CS2's criminal jury trial was set to begin on the morning of November 7, 2012. Prior to that date, Officers **MONTGOMERY** and **BYNUM** were both served with subpoenas ordering them to appear to testify at the Wayne County Circuit Court for the trial of CS2 based their arrest of CS2. On 11/07/2012, Affiant went to the Honorable James Callahan's Courtroom in the 3d Circuit Court in Detroit, Michigan. Officers **MONTGOMERY** and **BYNUM** did not appear in court as directed by the subpoenas. Highland Park Police Department Officer Charles Barnes was present in the courtroom that day. Affiant observed Officer Barnes make several cellular telephone calls in an attempt to reach both officers, and he was unsuccessful. In open court and in the presence of the judge, the Assistant Prosecuting Attorney assigned to the case placed on the record that Officer Barnes had made numerous attempts to contact Officers **MONTGOMERY** and **BYNUM**, and that Officer Barnes had attempted to reach them through other officers as well. Judge Callahan demanded to know if the officers were served subpoenas and what was their reason for not showing up for trial. Judge Callahan subsequently dismissed the case against CS2 due to Officers **MONTGOMERY** and **BYNUM**'s failure to appear in court as witnesses.

Officers MONTGOMERY and BYNUM Seek to Assist in Drug Trafficking Activities

26. Following the 10/16/2012 payment of money to Officers **MONTGOMERY** and **BYNUM**, the officers raised the possibility of assisting CS2 in his drug trafficking operations.

27. On 11/01/2012, under FBI supervision and surveillance, CS2 met with Officers **MONTGOMERY** and **BYNUM** at the Union Street Restaurant located on Woodward Avenue in the City of Detroit. The meeting was recorded. During the meeting, CS2 proposed that Officers **MONTGOMERY** and **BYNUM** provide protection for a drug transaction between CS2

and another individual. CS2 asked Officers **MONTGOMERY** and **BYNUM** to drive a vehicle which would contain two kilograms of cocaine concealed in the vehicle's trunk. Unbeknownst to Officers **MONTGOMERY** and **BYNUM**, the two kilograms of cocaine used in the transaction would be sham. CS2 told the officers that one of them would drive the car containing the cocaine, while the other officer would follow behind in their personal vehicle. CS2 would drive separately to the deal in his own vehicle to the meeting location. CS2 told Officers **MONTGOMERY** and **BYNUM** that he was paying them for their "badges," and that by utilizing two police officers to do the drug delivery, he was ensuring safe transport of the drugs. CS2 told the officers that he would pay them each \$1,500 for their participation in the drug deal. Officers **MONTGOMERY** and **BYNUM** agreed to do the job for CS2.

28. On 11/09/2012, under FBI surveillance, CS2 met with Officers **MONTGOMERY** and **BYNUM** at Mr. Mike's Restaurant in Detroit, Michigan. The meeting was audio-recorded. During the course of the meeting, CS2 explained the upcoming delivery of cocaine that the two officers would help protect and transport. CS2 explained that "I'm just frontin' a nigga, but basically I just want y'all to kinda just watch my back." CS2 told the officers that he would pay them immediately after the delivery of the drugs. CS2 also asked if they knew another police officer who would be willing to help protect a shipment ("somebody else with a badge"). **MONTGOMERY** responded, "I mean it's cops, we can make the shit happen, we gonna go to my man." During the meeting, **MONTGOMERY** talked about the fact that Officer Barnes was "pissed off" that they had not appeared for CS2's trial. **BYNUM** also asked about what happened at CS2's trial date in court. CS2 responded that "that shit was crazy." CS2 described to the officers how Barnes and Judge Callahan reacted to the failure of Officers **MONTGOMERY** and **BYNUM** to appear in court for the trial. During the meeting, CS2 asked

the officers if they would be carrying firearms during the upcoming drug delivery, referencing a “thumper” and the fact that “I’m sure y’all gonna have y’all heat, right?” CS2’s references to a “thumper” and “heat” are references to a firearm. Both **MONTGOMERY** and **BYNUM** responded, “Yeah, oh yeah!” CS2 stated, “See, see, what I’m saying, as long as that right there is good, that’s what I’m paying for.” **BYNUM** asked what they would be paid for their help, and CS2 responded “15,” meaning \$1,500. **BYNUM** stated, “That’ll come in handy.” **BYNUM** made further statements about carrying a firearm during the course of the upcoming drug delivery. **BYNUM** stated, “We can handle it, we got some shit,” and he said, “We ain’t trying to use our shit, that shit registered, but whatever you put in our hands it’s capable of being used, right, so that you ain’t got to worry about.” Based on my training, experience, and knowledge of the investigation, **BYNUM**’s reference to our “shit” being registered is a reference to the fact that the official firearms that the police officers carry have been registered by taking their ballistic fingerprint. In that way, **BYNUM** was indicating that they would not carry their official firearms, in case they needed to be used. Because the firearms were registered, they could be traced back to the officers through a law enforcement database if they were fired and the bullet was recovered. Both **MONTGOMERY** and **BYNUM** stated that they would be willing to travel out of state to transport drugs, and that they would be willing to do multiple shipments during a one month period. The officers also indicated that they had talked to a Highland Park businessman about transporting drugs “from out west.” **MONTGOMERY** stated that he would contact the businessman in order to arrange a drug deal between CS2 and the businessman. The officers also stated that they had knowledge of a drug trafficker who uses women to transport drugs from California to Michigan. **BYNUM** also stated that he used to sell drugs.

Officers MONTGOMERY and BYNUM Protect and Deliver A Cocaine Shipment

29. On 11/15/2012, under FBI surveillance, Officers **MONTGOMERY** and **BYNUM** assisted in the delivery of what they were told were two kilograms of cocaine. CS2 participated in the transportation of two kilograms of sham cocaine from Troy, Michigan to Taylor, Michigan. After the sham cocaine was transported, CS2 paid Officers **MONTGOMERY** and **BYNUM** \$1,500 in cash each for their participation in the shipment. The cocaine transport operation went as follows: Officers **MONTGOMERY** and **BYNUM** met with CS2 at the parking lot of a Chili's Restaurant at the Oakland Mall in Troy at approximately 11:25 a.m. The meeting was audio and video recorded. While off-duty, Officers **MONTGOMERY** and **BYNUM** arrived at the Chili's Restaurant in **BYNUM**'s 2007 silver Chevy Impala. CS2 then arrived and parked east of the subject officers, who moved their car to CS2's location and parked. An undercover FBI agent then arrived and parked a gray Avenger in the parking lot. CS2 had told Officers **MONTGOMERY** and **BYNUM** that CS2's source would be delivering two kilograms of cocaine in a rental car, and that the rental car would be parked and left at the Oakland Mall. FBI agents had placed two kilograms of sham cocaine in the trunk of the rental car. The undercover FBI agent exited the rental car, left the keys on top of the rear wheel, and entered the Chili's Restaurant. CS2 and Officer **MONTGOMERY** then exited their vehicles and walked over to the rental car. CS2 retrieved the keys, and opened the trunk. Both CS2 and Officer **MONTGOMERY** then inspected the cocaine inside of the trunk, and CS2 gave **MONTGOMERY** the keys to the rental car. All three subjects, CS2, **MONTGOMERY** (driving the rental car), and **BYNUM** (driving his personal car), left Oakland Mall and drove to Taylor, Michigan. The three vehicles were under FBI surveillance by air and by vehicle. The three cars were followed by FBI agents to the Meijer's parking lot, located on Pine Street in

Taylor, Michigan. CS2 parked in a predetermined parking space, and instructed **MONTGOMERY** to park the rental car next to his car. **MONTGOMERY** left the rental car and got into **BYNUM**'s 2007 Chevy Impala, which was parked south of CS2's car. After several minutes, two men, posing as drug dealers buying cocaine from CS2, arrived and met briefly with CS2. The two men then drove away with the rental car. Officers **MONTGOMERY** and **BYNUM** then got into CS2's vehicle. CS2 paid each of the two officers \$1,500 in cash for their help in the delivery. The officers then left the scene.

**BYNUM and MONTGOMERY Recruit Additional Officers
to Deliver and Protect A Second Shipment of Cocaine**

30. Subsequent to the first drug protection operation, Officers **MONTGOMERY** and **BYNUM** expressed an interest in transporting another load of drugs in exchange for payment. In this regard, CS2 met with Officers **MONTGOMERY** and **BYNUM** on 11/29/2012 at the Southern Fires Restaurant located on Bellevue Street in Detroit Michigan. Officers **MONTGOMERY** and **BYNUM** brought two additional subjects with them to the meeting as the plan was to use two additional police officers on this second drug transaction with CS2 which was to involve a larger amount of cocaine. The two additional subjects were recruited into the deal by Officers **MONTGOMERY** and **BYNUM**. One of the subjects was identified as "Shawn" who identified himself as a Highland Park Police Officer and a former Detroit Police Officer. The person named Shawn was later identified as **SHAWN LAVAR WILLIAMS**. Chief Coney identified **WILLIAMS** as an Auxiliary (Reserve) Officer for the Highland Park Police Department. Chief Coney explained to Affiant that Highland Park police Auxiliary Officers are given an Auxiliary Officer's badge, and they are required to have a CCW Permit as they carry handguns. Coney further advised that the Auxiliary Officers usually work in the Highland Park police jail/lock up, or they are paired with a Highland Park police officer. They

are uncompensated. Law enforcement records also show that **WILLIAMS** served as a police officer for the Detroit Police Department between 2002 and 2007. The other subject identified himself as a bounty hunter.

31. During the 11/29/2012 lunch meeting, which was recorded, CS2 proposed that Officers **MONTGOMERY** and **BYNUM** and two additional police officers provide assistance to him in connection with the transportation of drugs. Officers **MONTGOMERY**, **BYNUM**, and **WILLIAMS** agreed to assist with transporting the drugs.

32. Database checks determined that **WILLIAMS** has a License to Carry A Concealed Pistol (CCW) Permit #287311C. The database shows that **WILLIAMS** has the following three weapons registered to him: (1) .38 Caliber Smith & Wesson, Model 642, 5 shot pistol; serial number CEP8706; (2) .40 Caliber Glock, Model 27, 9 shot pistol; serial number DUH656US; and (3) .40 Caliber TAS, Model PT940, 10 shot pistol; serial number STE07743.

33. Following the 11/29/2012 meeting at Southern Fires, CS2 and **MONTGOMERY** spoke during a recorded telephone call. During the call, **MONTGOMERY** stated that he was heading out of town, and he asked CS2 for an advance of \$500 towards the upcoming proposed drug operation. The following day, CS2 met with Officer **MONTGOMERY** on Woodward Avenue in Highland Park. During the meeting, CS2 gave \$500 in cash to **MONTGOMERY**. The meeting was video-recorded.

34. On 12/13/2012, a telephone call between CS2 and **MONTGOMERY** was recorded. During the call, CS2 told **MONTGOMERY** that the second drug delivery would not take place until sometime in January 2013. CS2 assured **MONTGOMERY** that he would use **MONTGOMERY** and **BYNUM** in the second drug delivery. CS2 also asked **MONTGOMERY** if **MONTGOMERY** had made any progress in identifying a fourth police

officer to assist in doing the second drug delivery. **MONTGOMERY** stated yes, and that Highland Park police officer **CRAIG DUANE-EMANUEL CLAYTON** “seems like he will be down with doing it.” **MONTGOMERY** told CS2 that he (**MONTGOMERY**) would approach **CLAYTON** that week. Chief Coney has identified **CLAYTON** as an Auxiliary (Reserve) Officer with the Highland Park Police Department.

35. On 12/20/2012, a telephone conversation between CS2 and **MONTGOMERY** was consensually recorded. The purpose of the call was to set up a meeting between CS2 and Officer **CLAYTON**. During the call, **MONTGOMERY** told CS2 that he (**MONTGOMERY**) had contacted **CLAYTON**, and that **CLAYTON** would meet with CS2 at a McDonald’s parking lot at the intersection of I-75 and Mack Avenue. Later that day, under FBI surveillance, CS2 met with Officers **MONTGOMERY** and **CLAYTON** at the McDonald’s parking lot. The meeting was audio and video recorded. Both **MONTGOMERY** and **CLAYTON** entered CS2’s vehicle. During the meeting, **CLAYTON** told CS2 that he understood what he would be doing for him (CS2), which was providing protection. CS2 then explained in detail to **CLAYTON** that he was needed to protect cocaine shipments. **CLAYTON** said that he understood. CS2 also told **CLAYTON** that he would receive \$1,500 for every shipment of drugs that he protects. Based on a review of the video footage of the meeting, Affiant was able to positively identify **CLAYTON** as the Highland Park police Auxiliary (Reserve) Officer. A database check determined that **CLAYTON** has a License to Carry a Concealed Pistol (CCW) Permit #119682K. A database check also shows that **CLAYTON** has the following four weapons registered to him: (1) .40 Caliber Glock, Model 22, 15 shot Pistol; serial number AUN329US; (2) .9 Caliber Keltekt (KTC), Model P11, 10 shot, pistol; serial number 47744; (3) .9 Caliber Glock, Model 17, 17 shot

Pistol; serial number GD775US; and (4) .10 Caliber GUT, Model WITNESS, 8 shot pistol; serial number AE96083.

36. In preparation for the second drug delivery to be protected by four officers of the Highland Park Police Department, CS2 asked for a meeting with the officers. On 1/17/2013, CS2 met **MONTGOMERY** and **CLAYTON** at the Southern Fires Restaurant in Detroit. The meeting was recorded. At the start of the meeting, **MONTGOMERY** explained to CS2 that he had been unable to reach Officer **WILLIAMS**, and that Officer **BYNUM** was stuck in training and may not arrive for the meeting. CS2 then proposed to **MONTGOMEY** and **CLAYTON** that the four police officers provide protection for a drug transaction between CS2 and some other individuals. CS2 explained to **MONTGOMERY** and **CLAYTON** that he wanted **MONTGOMERY** and **CLAYTON** to “team up together” since **MONTGOMERY** already knew how the operation worked. CS2 further explained to **MONTGOMERY** that if “Shawn (**WILLIAMS**) gonna roll, I want him to be with Bynum.” CS2 told **MONTGOMERY** and **CLAYTON** that he would have two delivery vehicles loaded with cocaine during the upcoming deal. CS2 explained that this would be different from the prior drug deal since that deal only involved one vehicle. CS2 also explained that for this “we ain’t taking no weed, you know what I’m sayin’! We ain’t dropping off no motherfucking E pills, this is that motherfucking, the big cocaine, you feel me?” CS2 also stated, “So I’m just letting you know so you will be filled in on what’s going on, you know what I’m sayin’? Cause if you feel squeamish, I can’t use you, you know what I’m mean?” CS2 stated “it’s goin’ down next week.”

37. On 1/21/2012, under FBI surveillance, CS2 met with Officers **MONTGOMERY** and **WILLIAMS** at a McDonald’s parking lot at the intersection of Mack Avenue and I-75. During the recorded meeting, CS2 explained the planned drug delivery to **WILLIAMS** and his role in

the deal. CS2 explained that delivery involved “cocaine,” and that **WILLIAMS** would help deliver and protect one of the two shipments of cocaine arriving on the day of the operation. **WILLIAMS** agreed to participate in the deal. CS2 made it clear to **WILLIAMS** that the deal involved cocaine, CS2 stated: “But, you know we ain’t shippin’ out no trees, we ain’t trippin’ out no motherfuckin’ cotton candy, you know this the big cocaine you feel what I’m sayin’?” **WILLIAMS** replied, “I’m just doin’ security man, that’s all I know.” In response, CS2 stated, “I’m just sayin’, ‘cause if you squeamish” **WILLIAMS** responded, “I ain’t squeamish at all!”

**Four Highland Park Police Officers Protect
and Deliver A Second Shipment of Cocaine**

38. On 1/23/2013, Officers **MONTGOMERY**, **BYNUM**, **WILLIAMS**, and **CLAYTON** helped protect and deliver what they believed to be two separate loads of two kilograms of cocaine. During this operation, CS2 was carrying a recording device, and the CS2’s vehicle carried video-recording equipment. Under FBI visual and aerial surveillance, the four Highland Park police officers met with CS2 at the Chili’s restaurant at the Oakland Mall in Troy, Michigan. The four officers were wearing civilian clothing, and they arrived in **BYNUM**’s personal vehicle, with **BYNUM** driving. **BYNUM** parked next to CS2’s vehicle. One rental car, a Grey Ford Fusion was already parked in the parking lot, and FBI agents had placed two kilograms of sham cocaine in the trunk. After the four officers arrived at the scene, an undercover FBI agent drove up and parked a Black Mazda rental car directly beside the Ford Fusion. The Black Mazda also contained two kilograms of sham cocaine in its trunk. The undercover agent exited the Black Mazda, left the keys on top of the rear wheel, and entered the Chili’s restaurant. CS2, **MONTGOMERY**, and **CLAYTON** then exited their vehicles and walked to the rental cars. CS2 retrieved the keys from the two cars, and he opened the trunks of

both rental cars. CS2, **MONTGOMERY**, and **CLAYTON** then looked into the trunks of each rental car and inspected the sham cocaine inside of both trunks. CS2 gave **MONTGOMERY** the keys for the Ford Fusion, and he gave **CLAYTON** keys for the Mazda. CS2 then drove out of the lot first with both **MONTGOMERY** and **CLAYTON** following behind him driving the rental cars. Officers **BYNUM** and **WILLIAMS** (Bynum's Passenger) followed behind them driving **BYNUM**'s 2007 Chevy Impala. The four vehicles left the Oakland Mall and drove straight down I-75 South to Taylor, Michigan.

39. The four cars drove to the Meijer's parking lot, located on Pine Street, in Taylor, Michigan. CS2 parked in a predetermined parking space, and instructed **MONTGOMERY** and **CLAYTON** to park the rental cars next to his car. After exiting the rental cars, both **MONTGOMERY** and **CLAYTON** got back into **BYNUM**'s Chevy Impala where **WILLIAMS** was seated as well. After several minutes, two men, posing as drug dealers, arrived and drove away one of the rental cars. Shortly thereafter, two additional men also posing as drug dealers came and drove the second rental car away. Subsequently, CS2 paid \$1,000 in cash to both **MONTGOMERY** and **WILLIAMS** inside CS2's car. Later, **BYNUM** and **CLAYTON** each accepted \$1,500 in cash from CS2 inside of CS2's car. The payment of the four officers was captured on videotape. After being paid, the four Highland Park police officers left the Meijer's parking lot, and the operation ended.

40. While paying each of the four officers in his car in the Meijer's parking lot on 1/23/2013, CS2 asked the officers if they were armed. This was video-recorded. While in his car, CS2 looked back directly at **WILLIAMS** and asked him, "You did have yo shit [gun] with you right?" In response, **WILLIAMS** lifted up his shirt to display his waistband as he stated "Man I'm, everything, everything on me." CS2 laughed, and he said, "Look at you badge and

everything!” CS2 then looked at **MONTGOMERY** and said, “You had yo shit?” In response, **MONTGOMERY** lifted his shirt to reveal his waistband, and although his firearm is not visible on the videotape, **MONTGOMERY** motioned to his right side and an extra magazine is clearly visible on the videotape in his left side waistband. As he revealed his waistband, **MONTGOMERY** stated, “Always, man, I’m always extra too man, this motherfucker [gun] go everywhere I go.” On the videotape, CS2 can be seen counting out cash, and he subsequently handed **MONTGOMERY** a stack of bills, which **MONTGOMERY** then counts. CS2 also counted out \$1,000 worth of bills and handed them to **WILLIAMS**.

41. When **BYNUM** and **CLAYTON** entered CS2’s vehicle in order to be paid, CS2 asked them about their possession of firearms. After they got in the car, CS2 looked back at **CLAYTON** and said, “You had yo shit on you?” **CLAYTON** opened his jacket to display, and CS2 stated, “Yeah, you double strapped, that’s what I’m talking about, you rollin like me.” CS2 reached back and gave **CLAYTON** a handshake. CS2 then looked at **BYNUM** and said, “You good?” **BYNUM** raised his hands and said, “Man you know, incog-negro.” **BYNUM** then looked at CS2 and said, “Nigga where your’s at, nigga you strapped too?” CS2 just laughed it off and began counting out dollar bills. **BYNUM** said, “Oh I’m carrying, now that I’m with po-po’s nigga, hah!” The videotape shows CS2 counting out \$1,500 in cash and handing it to **BYNUM** as **BYNUM** stated, “My man.” CS2 then counted out \$1,500 in cash and handed it to **CLAYTON** in the back seat, as **BYNUM** is captured on video putting the cash in his left front pants pocket. **CLAYTON** gave CS2 a handshake as he takes the cash.

42. CS2 then attempted to conclude the meeting by telling **CLAYTON** that next month there would be three more drug deliveries for which he will need them. **BYNUM** then told CS2 that he (**BYNUM**) would like to be more involved in his activities in order to make more money

(“man you gotta put me down baby”). In response, CS2 asked **BYNUM**, “What you a charge to lay a motherfucker down?” CS2 was using slang terms to ask **BYNUM** what he would charge for killing someone for money. **BYNUM**’s response was, “How many?” CS2 said, “One.” **BYNUM** said, “He gotta go like that.” CS2 then stated, “Yeah,” and he asked, “Would 20 be good?”—meaning would he accept \$20,000 for the contract killing. **BYNUM** responded, “Yeap!” **BYNUM** then gave CS2 a handshake, and CS2 said “I’ll be giving you a holla.” CS2 concluded the meeting by telling **BYNUM** and **CLAYTON** that he would need them for three drug deliveries next month. **BYNUM** told CS2 that they would have to meet in order to talk about the proposed contract killing for “20.”

43. After the operation was concluded, CS2 was debriefed by FBI agents. CS2 stated that he saw that each of the four officers was carrying a firearm as he asked each of them to see their weapon prior to paying them inside of his vehicle. For example, CS2 stated that **CLAYTON** was carrying two pistols on him, and that **WILLIAMS** had his firearm and his badge on the waistband of his pants.

44. FBI agents in this investigation are aware of the fact that the City of Highland Park received over \$10,000 in federal assistance during the calendar year 2012. Based on my training and experience, one kilogram of cocaine was worth at least \$40,000 in Detroit, Michigan in December 2012 and January 2013.


45. Based on the totality of the facts and circumstances described above, along with Affiant’s training, experience, and knowledge of the investigation, there is probable cause to believe that **ANTHONY BYNUM**, **PRICE MONTGOMERY**, **CRAIG CLAYTON**, and **SHAWN WILLIAMS** have conspired to distribute 500 grams or more of cocaine, have carried firearms during the course of and in furtherance of a drug trafficking crime, and have accepted

cash bribes with the intent of being influenced or rewarded in their official acts (either by accepting cash in exchange for not appearing at trial as witnesses or by accepting cash as police officers in exchange for using their power as police officers to protect a shipment of drugs), in violation of Title 21 United States Code 846; Title 18, United States Code, Section 924(c); and Title 18, United States Code, Section 666(a)(1)(B).



Task Force Officer Twana R. Powell
Federal Bureau of Investigation

Sworn and subscribed to me this
24th day of January, 2013



THE HONORABLE LAURIE MICHELSON
United States Magistrate Judge